IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2999 OF 2006

Chandrakant N. Belgikar ..Petitioner.
Vs.
Shrikant Damodar Bhide ..Respondent.

...

Mr. S.V. Palsuledesai for the Petitioner.
Mr.Anand S. Kulkarni for the Respondent.

CORAM: DR. D.Y. CHANDRACHUD, J.

11th July, 2006.

P.C. :

The dispute in the present case relates to residential premises being Block C-10 situated on the first floor of a building bearing Municipal House No.142 at Survey No.8369/1, Railway Lines, Bhide Colony, Solapur. The Petitioner is a monthly tenant since 1969 on a monthly rent of Rs.275/-. The Respondent instituted a suit for eviction on 4th September, 2001 against the Petitioner on the ground that the petitioner had kept the premises closed and that he was not residing therein. A written statement was filed opposing the averments in the plaint. The Civil Judge, Junior Division, Solapur decreed the suit on 19th November, 2005. The Petitioner has filed an appeal in which there was an application for stay of the execution of the decree pending the

disposal of the appeal. The District Judge at Solapur granted an interim stay of the execution of the decree on 21st February, 2006 but directed the Petitioner to submit solvent surety in the amount of Rs.2 lacs, failing which it was stated that the stay would stand vacated. There is merit in the submission urged on behalf of the Petitioner that the direction in regard to the furnishing of solvent surety in the amount of Rs. 2 lacs is rather harsh and that appropriate directions could have been passed in the usual terms to safeguard the interests of the landlord. In these circumstances, the direction contained in the impugned order dated 21st February, 2006 requiring the Petitioner to submit solvent surety in the amount of Rs.2 lacs is quashed and set aside. However, during the pendency of the appeal, the Petitioner is directed to deposit all the arrears of compensation within a period of four weeks from today and to continue to deposit the monthly rent. The Petitioner shall also not create any third party rights, title or interests of any nature whatsoever. The Petition is accordingly disposed of.